

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ALLEN BEASLEY,

Petitioner,

VS.

RICK THALER,

Respondent.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. C-10-400

**MEMORANDUM OPINION AND ORDER DENYING MOTIONS TO ADD
PARTY, FOR WITNESS STATEMENT AND TAPE RECORDER, AND FOR
INTERROGATORIES**


Petitioner filed this petition pursuant to 28 U.S.C. § 2254, challenging the results of a disciplinary proceeding at TDCJ's McConnell Unit (D.E. 1). Service of process was ordered December 17, 2010, and Respondent's answer is due in early February 2011. Pending are petitioner's motions (1) for a witness statement and tape recorder (D.E. 11); (2) to add party (D.E. 12); and (3) for interrogatories to counsel substitute (D.E. 13).

Leave of court is required to conduct discovery in a habeas case. Rule 6(a), Rules Governing Section 2254 Cases. Petitioner's request for witness statements, a tape recorder, and interrogatories is premature. Respondent has not yet filed an answer, and the court cannot determine whether petitioner's request is relevant to the issues in the case. Petitioner's motions for a witness statement and tape recorder and for interrogatories to counsel substitute (D.E. 11, 13) are denied without prejudice.

Petitioner also seeks to add counsel substitute Norma Saenz as a party (D.E. 12). The proper respondent in a habeas case is petitioner's custodian. Rule 2(a), Rules

Governing Section 2254 Cases. Norma Saenz is not an appropriate party in this habeas petition. Petitioner's motion to add her as a party (D.E. 12) is denied.

ORDERED this 7th day of January, 2011.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE